



## RAVALLI COUNTY ATTORNEY

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**RECEIVED**

MAR 07 2008

Ravalli County Commissioners

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TO: Planning

CC: Ravalli County Commissioners, Road Department

FROM: Alex Beal, Deputy *AB*

DATE: March 7, 2008

RE: SSO No. 4, Blk 16, Lot 25-A, AP Subdivision Pro Rata

You have asked for my legal opinion regarding the proper amount of pro-rata to be assessed upon the preliminarily approved subdivision referenced above. That subdivision was reviewed under the regulations last amended August 4, 2005, which did not contain a specific cost assessment provision. Rather, that information was found in the Road Department Policy on Subdivision Assessment Coordination (August 11, 2005 version). Page 4 of that document states that "final calculation of pro-rata assessments will be provided at the time of application for final plat approval, under the standards and regulations in effect at the time of final plat approval, and upon written request of the County Planning Department."

Final plat approval has not been granted as of this date. As such, the cost schedules currently in place should be used by the Road Department in determining the pro-rata contribution. It is my understanding that those cost schedules were adopted in May, 2007.

As this subdivision was part of the *Lords* settlement, I have reviewed the settlement document from that case. This parcel was specifically enumerated as being processed under the "old" regulations, as listed above. The "old" regulations compel us to compute pro rata based upon the cost schedules in place on the date of final plat approval, which are the May, 2007 version.